



AMERICAN  
BANKRUPTCY  
INSTITUTE

## Consumer Practice Extravaganza

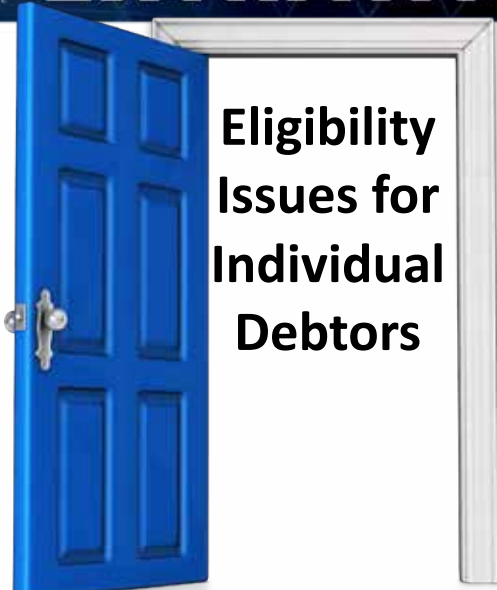
# Eligibility Issues for Consumer Debtors

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**Eligibility  
Issues for  
Individual  
Debtors**

Presented By:

Michelle H. Bass  
Wolfson Bolton Kochis PLLC

Beverly M. Burden  
Chapter 13 Trustee, E.D. Ky.



**"Person" vs. "Individual"**





11 U.S.C. § 109(e)



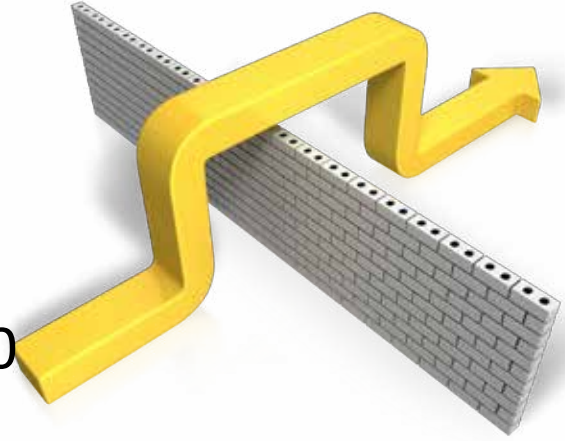
11 U.S.C. § 101(30)





## Chapter 13 Debt Limits

- Noncontingent
- Liquidated
- Aggregate \$2,750,000



## Chapter 13 Debt Limits

Aggregate  
\$2,750,000

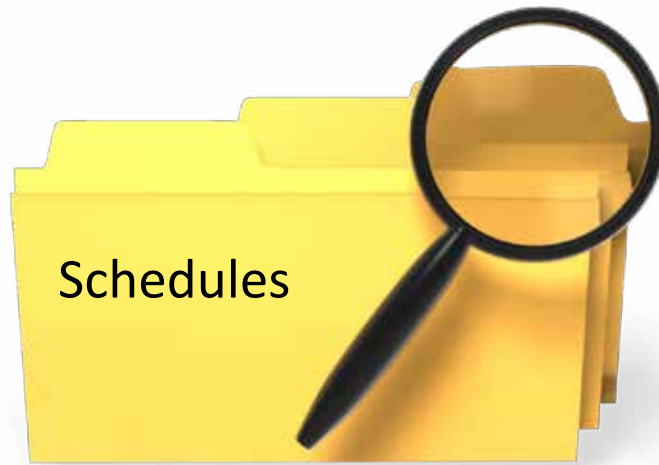


June 21, 2024

Secured \$1,395,875  
Unsecured \$465,275



## Debt Amounts – Where and When?



## Schedules D, E/F

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
- ☐ Unliquidated
- ☐ Disputed





## Debt Limits – Joint Debtors



## Schedules D, E/F

**Who incurred the debt?** Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another



## Chapter 11, Subchapter V



## Small Business Debtor Reorganization



"Person"

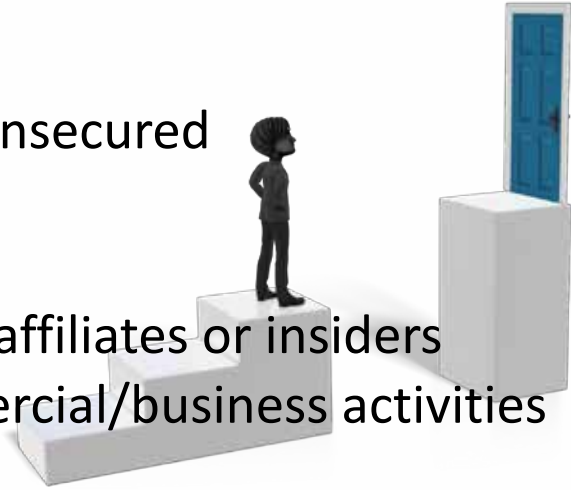
Engaged in





## Subchapter V Debt Limits

- Aggregate Secured and Unsecured
- Noncontingent
- Liquidated
- Excluding debts owed to affiliates or insiders
- At least 50% from commercial/business activities



## Subchapter V Debt Limits

Aggregate  
\$7,500,000



June 21, 2024

Aggregate  
\$3,024,725





## Another Eligibility Requirement for Individuals



## Practical Tips





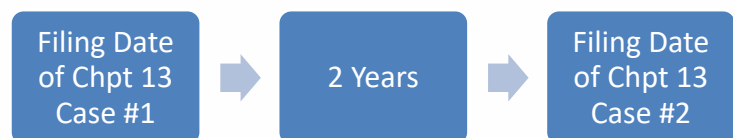
## Eligibility for Individuals - Consecutive Cases

11 U.S.C. § 109(g)

Wait to refile?

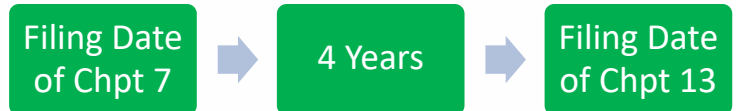


## "Eligibility" for Discharge in Subsequent Case? Chapter 13 Case After Chapter 13 Discharge





## Chapter 13 Case After Chapter 7 Discharge



## Chapter 7 Case After Chapter 13 Discharge

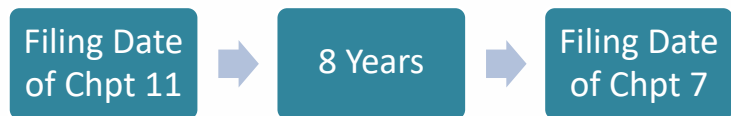




## Chapter 7 Case After Chapter 7 Discharge



## Chapter 7 Case After Chapter 11 Discharge



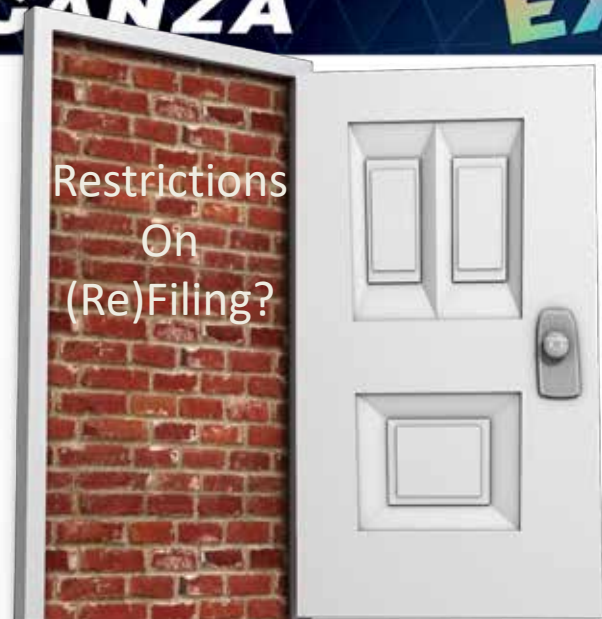




## Chapter 11 Case After Chapter 7 Discharge



Restrictions  
On  
(Re)Filing?





THANK  
YOU

## Eligibility Issues Affecting Individual Debtors in Chapter 13 and Subchapter V

Beverly M. Burden

Michelle H. Bass

October 2023

All statutory references are to Title 11, unless otherwise noted.

**A) § 109(a), Who May Be a Debtor:** Only a person that resides or has a domicile, place of business, or property in the United States, or a municipality, may be a debtor under the Bankruptcy Code.

**B) § 109(e), Who May Be a Chapter 13 Debtor:** To be eligible for relief under chapter 13, the debtor must meet the following requirements:

- 1) The chapter 13 debtor must be an individual.
  - a) A corporation, LLC, or other entity is not eligible for chapter 13 relief, nor is a stockbroker or commodity broker.
  - b) A decedent's estate is not eligible to file for chapter 13 relief (but if a person dies after filing the bankruptcy petition the case may proceed. See Bankruptcy Rule 1016).
- 2) The debtor must have "regular income."
  - a) The term "individual with regular income" means an "individual whose income is sufficiently stable and regular to enable such individual to make payments under a plan under chapter 13 of this title, other than a stockbroker or commodity broker." 11 U.S.C. § 101(30).
  - b) Seasonal income, contributions from family members, and income from other seemingly iffy sources may still nevertheless constitute "regular income" for eligibility purposes.
  - c) Distinguish eligibility requirements under § 109(e) from similar requirements for confirmation of a plan.
    - (i) "Regular income" that enables an individual to make payments under a chapter 13 plan for eligibility purposes is not necessarily the same as the requirement under § 1325(a)(6) that a debtor "will be able to make all payments under the plan and to comply with the plan."

- (ii) “Regular income” for eligibility purposes is not necessarily the same as “projected disposable income” under § 1325(b).
- 3) There are limits on the amount of debt that a chapter 13 debtor can owe in order to be eligible for chapter 13.
  - a) The debtor must owe on the date of the petition:
    - (i) “noncontingent, liquidated” unsecured debts of less than \$465,275; and
    - (ii) “noncontingent, liquidated” secured debts of less than \$1,395,875.
  - b) BUT - for cases filed on or after June 21, 2022, the debtor must owe on the date of the petition total noncontingent, liquidated debts of \$2,750,000.
    - (i) No distinction between secured and unsecured debts;
    - (ii) This provision “sunsets” or expires on June 21, 2024, unless Congress acts otherwise.
    - (iii) *Bankruptcy Threshold Adjustment and Technical Corrections Act*, PL 117-151 [S 3823], June 21, 2022, 136 Stat 1298 (117th Cong. 2nd Sess.).
  - c) The dollar amounts are adjusted every 3 years; the last adjustment was on April 1, 2022. 11 U.S.C. § 104.
  - d) The aggregate debts of joint debtors must meet the same debt limits.
  - e) The debt limits are ordinarily determined based on the schedules, as long as the schedules are made in good faith. *In re Pearson (Comprehensive Accounting Corp. v. Pearson)*, 773 F.2d 751 (6th Cir. 1985).
  - f) If a bad-faith objection has been brought by a party in interest, a bankruptcy court should look past the schedules to other evidence submitted, so long as the debt computation for eligibility is determined as of the petition date. *Mendoza v. Curry (In re Duque)*, 2005 Bankr. LEXIS 3355, 1 (9th Cir. BAP 2005).



- g) Schedules D, E, and F have a box to check if a debt is “contingent,” “unliquidated,” or “disputed.” If a debt is “contingent” or “unliquidated”, it is not counted when adding up the debts to see if the debts exceed the statutory debt limits.
- h) Generally, events that occur after the petition date, such as the filing of proofs of claims or the paydown of secured debt, do not affect the debt limit calculation.
  - (i) However, a judgment lien that can be avoided after the petition date may count as an unsecured debt as of the petition. *In re Scovis*, 249 F.3d 975 (9th Cir. 2001).
  - (ii) Similarly, the undersecured portion of a debt listed on Schedule D may be counted as an unsecured debt even though the bifurcation of the claim does not occur until after the petition is filed.
  - (iii) The minority rule is that events which do or will occur postpetition should not be considered in determining a debtor’s eligibility for relief under chapter 13. *See, e.g., In re Morton*, 43 B.R. 215 (Bankr. E.D.N.Y. 1984).
- i) The terms “liquidated” and “noncontingent” are terms of art.
  - (i) The term “liquidated” means that “the amount is readily ascertainable.” *See Pearson*, 773 F.2d 751, 754-55.
  - (ii) The term “noncontingent” means that “all of the events giving rise to liability for the debt occurred prior to the debtor’s filing for bankruptcy.” *In re Mazzeo*, 131 F.3d 295 (2nd Cir. 1997) *See also In re Glance (Glance v. Carroll)*, 487 F.3d 317 (6th Cir. 2007) and cases cited therein for more information on noncontingent, liquidated claims.
  - (iii) Pay close attention to cases where an individual debtor is obligated on a debt with another person or the debtor’s business entity. If the debtor is jointly liable, not just a guarantor, the debt is not contingent and will be counted towards the debt limit.
  - (iv) Disputed debts count towards the debt limits. Checking the box to mark a debt as “disputed” does not exclude the debt from the debt limits calculation.

- (v) Key debts to discuss include pending lawsuits, of which the liability for, or amount of the debt in question has yet to be determined, particularly in instances where creditors are seeking an award of damages.
  - (vi) Carefully review the status of secured claims and determine whether the value of assets may result in undersecured debt, which amounts will be considered unsecured for purposes of the debt limit.
- 4) A debtor who is not eligible for relief under chapter 13 because their debts exceed the debt limits might have the option to convert to a different chapter instead of having the case dismissed.

**C) § 1182(1)(A), Who May Be a Chapter 11 Subchapter V Debtor:** To be eligible for relief under chapter 11 subchapter V, the consumer debtor must meet the following requirements:

- 1) A person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate)
  - a) The definition of what qualifies an individual to be ‘engaged in commercial or business activities’ for purposes of eligibility is open to a broad interpretation by the judiciary. Acceptable circumstances can range from an individual operating as a consultant, selling goods and services for an economic profit...to an individual in management possessing a small ownership interest in a business enterprise engaged in deriving a profit.
    - (i) A person engaged in "commercial or business activities" is a person engaged in the exchange or buying and selling of economic goods or services for profit. *In re Johnson*, 2021 Bankr. LEXIS 471, 21 (Bankr. N.D. Tex. 2021).
    - (ii) Business Activities may encompass acts that are business or commercial in nature but fall short of an actual operating business (See *In re Port Arthur Steam Energy, L.P.*, 629 B.R. 233, where the Debtor’s actions of pursuing litigation against a third party to collect outstanding receivables was considered business activity for purposes of qualification). *In re Port Arthur Steam Energy, L.P.*, 629 B.R. 233, 237 (Bankr. S.D. Tex. 2021).

- (iii) 11 U.S.C.S. § 1182(1)(A) does not expressly disqualify a debtor from being a debtor under subchapter V if the debtor is engaged in commercial or business activities on behalf of a third party. Individual debtors are engaged in commercial or business activities if engaged in those activities for profit, which may include an indirect profit where individual debtors manage a company in which they hold an ownership interest. *In re McCune*, 635 B.R. 409, 412 (Bankr. D. N.M. 2021).
  - b) For timing purposes, most bankruptcy courts draw the line on eligibility if the ‘business activities’ in question are not related to an active business, or a business that is winding down as of the petition date.
    - (i) Bankruptcy courts across jurisdictions have held that a debtor may be "engaged in commercial or business activities" when the business itself is no longer operating. See *In re Vertical Mac Constr., LLC*, 2021 Bankr. LEXIS 2285, in which the bankruptcy court drew a distinction between the terms ‘activities’ and ‘operations,’ allowing a non-individual corporate debtor who maintained business bank accounts in preparation for a sale, was considered to be a commercial or business activity for purposes of Subchapter V eligibility. *In re Vertical Mac Constr., LLC*, 2021 Bankr. LEXIS 2285, 8 (Bankr. M.D. Fla. 2021).
    - (ii) Section 1182(1)(A) . . . does not require a debtor to maintain its core or historical business operations on the petition date. It requires that the debtor was engaged in commercial or business activities." *In re Offer Space, LLC*, 629 B.R. 299, 309 (Bankr. D. Utah 2021).
    - (iii) A debtor's business need not be operational to be eligible for Subchapter V relief; *In re Ikalowych*, 629 B.R. at 284-85 (Bankr. D. Colo. 2021).
    - (iv) Bankruptcy courts across jurisdictions have held that a debtor may be "engaged in commercial or business activities" when the business itself is no longer operating. See *In re Vertical Mac Constr., LLC*, No. 6:21-bk-01520, 2021 Bankr. LEXIS 2285, 2021 WL 3668037, at 3 (Bankr. M.D. Fla. July 23, 2021).
- 2) The individual (s) must have aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of the petition or the date of the order for relief in an amount not more than \$7,500,000 (excluding debts owed to 1 or more affiliates or insiders) not less than 50% of which arose from the commercial or business activities of the debtor.

- (a) Application of the debt limits for eligibility under Subchapter V operates the same as it does for individuals seeking qualification for eligibility under Chapter 13. The only difference is the limit itself (\$7,500,000 vs \$2,750,000, notwithstanding the sunset of the Bankruptcy Threshold Adjustment and Technical Corrections Act on June 21, 2024).
- (b) Joint debtors in a single case are not permitted to stack, or double up on debt limits for separately owned debts.
  - (i) A joint case is commenced by "an individual . . . and such individual's spouse," the same phrase that appears in section 109(e). See 11 U.S.C. § 302(a). And the inquiry into consolidation that section 302(b) requires does suggest that each debtor in a joint case has a separate bankruptcy estate. See 11 U.S.C. § 302(b). But even when the estates of joint chapter 13 debtors are not formally consolidated (which is most of the time), a joint petition is "treated as a single case, and the assets and liabilities are administered as if substantively consolidated." Keith M. Lundin, LUNDIN ON CHAPTER 13, § 10.1, at ¶ 5, LundinOnChapter13.com (last visited 10/16/2023).
  - (ii) A single debt limit for joint debtors is in no way inconsistent with the filing of cases by "individuals" under section 302(a) or the concept of separate estates under section 302(b). *In re Miller*, 493 B.R. 55, 60 (Bankr. N.D. Ill. 2013).

**D) § 109(g), Dismissal of Prior Case:** This section applies to individual debtors in all chapters but warrants particular attention in chapter 13 cases.

- 1) Section 109(g) provides that no individual may be a debtor under any chapter of Title 11 if the debtor had a case pending at any time during the preceding 180 days, if
  - a) “the [prior] case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case”; 11 U.S.C. § 109(g)(1); OR
  - b) “the debtor requested and obtained the voluntary dismissal of the [prior] case following the filing of a request for relief from the automatic stay [in the prior case]. . . .” 11 U.S.C. § 109(g)(2).
- 2) Creditors sometimes use this section to challenge whether a debtor is eligible for bankruptcy relief under any chapter in addition to (or instead



of) fighting the issue of whether the automatic stay should be extended under 11 U.S.C. § 362(c)(3).

- a) Since section 109(g) bars all individuals who meet the 109(g) criteria, the only remedy in the second case is dismissal.
- b) If the debtor waits the 180 days to file a third case, the debtor is faced with trying to impose the automatic stay under 11 U.S.C. § 362(c)(4) -
- 3) Creditors who challenge eligibility based on a debtor's failure to make plan payments, or to appear at a 341 meeting, or to abide by other orders of the court in the prior case will need to be prepared to prove that such failure was "willful."
- 4) Application of section 109(g)(2) is not straightforward.
  - a) Some courts apply section 109(g)(2) strictly: if a motion for stay relief was ever filed in the prior case and the debtor eventually dismissed the case voluntarily, 109(g)(2) would bar the debtor from refiling within 180 days after the dismissal. *See Andersson v. Security Fed. Sav. & Loan of Cleveland (In re Andersson)*, 209 B.R. 76 (6th Cir. BAP 1997).
  - b) Other courts apply a "causal connection" and inquire whether the debtor's voluntary dismissal and refiling was caused by a creditor's efforts to terminate the stay in order to proceed with collection efforts (e.g., a foreclosure action). *See In re Higgins*, 2023 WL 2357740 (Bankr. E.D. Pa. 2023).
  - c) There are also conflicts as to whether the request for stay relief must have been pending at the time the debtor voluntarily dismissed the case. In some jurisdictions, once an order granting stay relief is entered, section 109(g)(2) would no longer bar the debtor from dismissing and refiling within 180 days.

**E) § 109(h), Credit Counseling:** Chapter 13 debtors must meet the same credit counseling requirements as all consumer debtors must. Strict compliance with the rules and form are usually required. *See In re Ingram*, 460 B.R. 904 (6th Cir. BAP 2011) (case dismissed where debtor completed a portion of credit counseling prior to filing the petition but did not finish the counseling session until after the petition was filed).

- 1) Part 5 of the Voluntary Petition, "Explain Your Efforts to Receive a Briefing About Credit Counseling," carefully tracks the requirements of 11 U.S.C. § 109(h) and Rule 1007(b)(3) of the Federal Rules of Bankruptcy

Procedure. To paraphrase, the debtor has five options regarding compliance with the credit counseling requirement:

- a) The debtor received credit counseling within 180 days prior to filing the petition and s/he has the certificate (11 U.S.C. § 109(h)(1));
  - b) The debtor received credit counseling within 180 days prior to the filing of the petition (11 U.S.C. § 109(h)(1)) but has not yet received the certificate;
  - c) The debtor requested credit counseling but was unable to obtain the services during the seven days from the time s/he made the request, and there are exigent circumstances which merit the filing of the bankruptcy case without having obtained credit counseling (the debtor must attach a separate sheet to explain exigent circumstances, and the explanation must be satisfactory to the court) (11 U.S.C. § 109(h)(3));
  - d) The debtor is exempt from obtaining credit counseling due to disability (11 U.S.C. § 109(h)(4)); or
  - e) The U.S. Trustee has determined that the credit counseling does not apply in this district. (11 U.S.C. § 109(h)(2)).
- 2) The Petition warns debtors that if they cannot truthfully check one of the five options, the debtor is not eligible to file a bankruptcy case and the court can dismiss the case.
- 3) The deadlines and procedures are set forth in Rule 1007.
- a) The deadline for filing any of the following documents is with the petition:
    - (i) the credit counseling certificate, where the debtor has certified that s/he received credit counseling and has received the certificate (Rule 1007(b)(3)(A));
    - (ii) the “exigent circumstances” certification (11 U.S.C. § 109(h)(3) Rule 1007(b)(3)(C)); or
    - (iii) the request for determination that the debtor need not get credit counseling due to disability (Rule 1007(b)(3)(D)).

- b) If the debtor files a statement that s/he obtained credit counseling prepetition but has not yet received the certificate (Rule 1007(b)(3)(B)), the deadline for filing the certificate is 14 days after the petition, “unless the court orders otherwise.” Rule 1007(c) (fourth sentence).
- c) There is no exception for the court to order otherwise with respect to the timing or filing of the credit counseling certificate (if the debtor has stated that s/he has received the certificate), the exigent circumstances certification, or the request for waiver due to disability. Rule 1007(c) (third sentence); Rule 9006(b)(3).
- 4) Unfortunately, attorneys often overlook the fact that the credit counseling must be obtained within 180 days of the petition. 11 U.S.C. § 109(h)(1). This affects chapter 13 debtors who had a prior case that was dismissed, but the case is being refiled. Check the date of the credit counseling certificate from the prior case to see if it is still valid in the new case.

**F) Entitlement to Discharge Confused With Eligibility:**

- 1) § 1328(f): The court shall not grant a discharge if the debtor received a discharge:
  - a) in a prior chapter 7, 11 or 12 case that had been filed during the 4-year period preceding the date of the filing of the present chapter 13 petition (§ 1328(f)(1)); or
  - b) in a prior chapter 13 case that had been filed during the 2-year period preceding the petition date of the present chapter 13 case (§ 1328(f)(2)).
  - c) The time periods are measured from filing date to filing date.
  - d) Section 1328(f) does not affect a debtor’s eligibility for filing under chapter 13.
- 2) “Chapter 20”: Even though a debtor may not be entitled to receive a discharge in a subsequent case, there are valid reasons to file a chapter 13 case soon after receiving a chapter 7 discharge. For example, the debtor may use a “chapter 20” to manage secured debts after the debtor’s personal liability was discharged in a prior chapter 7. *Johnson v. Home State Bank*, 501 U.S. 78 (1991).
- 3) Section 727(a): The court shall grant the debtor a discharge unless:

- a) § 727(a)(8): The debtor had been granted a discharge under § 727 or § 1141<sup>1</sup> in a prior case commenced within 8 years before the date of the filing of the petition in the present chapter 7 case; or
- b) § 727(a)(9): The debtor had been granted a discharge under § 1228 or § 1328 in a prior case commenced within 6 years before the date of the filing of the petition in the present case, unless total payments under the plan in the prior case totaled at least:
  - (i) 100% of the allowed unsecured claims in that case; or
  - (ii) 70% of the allowed unsecured claims in that case, and the plan was proposed by the debtor in good faith and was the debtor's best effort.
- c) The time periods are again measured from the petition date of the prior case to the petition date of the present case. The debtor may not get around the 8-year bar by filing a chapter 13 case, waiting for the 8-year period to run, then converting the case to chapter 7.
- 4) In contrast, section 727(a)(8) and (a)(9)'s bar to discharges in serial cases is akin to eligibility. There is no other purpose in filing successive chapter 7 cases when a discharge is not available.
- 5) The confirmation of a subchapter V plan prohibits an individual debtor from being eligible for a discharge under §1141(d)(3)(C) if the debtor would be denied a discharge under § 727(a) if the case were a case under chapter 7.

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<sup>1</sup> Subchapter V of chapter 11 eliminates the Absolute Priority Rule codified by 11 U.S.C. § 1129(b)(2), providing for non-consensual confirmation despite the absence of an impaired accepting class of creditors. Debtors who obtain confirmation over the objection of an impaired class of creditors, pursuant to § 1191(b) are eligible for a subchapter V discharge under § 1192. § 1192 essentially provides that as soon as practicable after completion by the debtor of all payments due within the first three years of the plan, or such longer period not to exceed 5 years, that the court shall grant an individual debtor a discharge of all debts provided in section 1141(d)(1)(A), and all other debts allowed under section 503 of title, except for debts with continuing payments, and except for *any* debt specified in section 523(a).

- 6) The individual consumer debtor shall be granted a discharge by the court unless the debtor has received a chapter 7 or 11 discharge in a case *commenced* within 8 years before the date that the subsequent case is filed. (Emphasis added).<sup>2</sup>
  - (i) Therefore, a debtor who has previously obtained a chapter 7 or chapter 11 discharge may file only once every eight years in order to obtain a chapter 7 discharge in a subsequent case, as the discharge under subchapter V's § 1192 refers explicitly to a discharge of debts granted under § 1141(d)(1)(A).

**G) Court-Imposed Restrictions on (Re-)Filing for Bankruptcy Relief:**

- 1) § 349(a) “Unless the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.”
- 2) Courts often use section 349, along with section 105, to prevent debtors from engaging in abusive serial filings.
  - a) A court may dismiss a case “with prejudice” and thereby enjoin the debtor from filing a subsequent bankruptcy petition for a period of time.
  - b) Such an order appears to render an individual ineligible to seek bankruptcy relief during the period covered by the dismissal order. *See Casse v. Key Bank N.A. (In re Casse)*, 198 F.3d 327 (2nd Cir. 1999).
  - c) The minority view is that the bankruptcy court lacks any authority to restrict eligibility except as expressly provided in 11 U.S.C. § 109. *See Frieouf v. U.S. (In re Frieouf)*, 983 F.2d 1099 (10th Cir. 1991).
- 3) Such an order might not prevent a debtor from filing a petition in a different jurisdiction (subject to venue requirements of 28 U.S.C. 1408). *See In re Bruce (Bruce v. Citigroup)*, No. 22-1000 (2nd Cir., slip op. Aug. 2, 2023) (Discussing enforcement of a discharge order, court held that a bankruptcy court is not authorized to enforce another bankruptcy court’s injunction; “ ‘Enforcement of an injunction through a contempt

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<sup>2</sup> 11 U.S.C. § 727 (a)(8).

proceeding must occur in the issuing jurisdiction because contempt is an affront to the court issuing the order.””)

#### **H) Bankruptcy Threshold Adjustment and Technical Corrections Act**

- 1) On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act went into law, temporarily extending the CARES Act era debt limit increase for Chapter 13 debtors to an aggregate of \$2,750,000, and for Subchapter V debtors to an aggregate of \$7,500,000, for a period of two years.
- 2) This provision will expire on June 21, 2024, at which time, absent an extension or amendment thereto, the Subchapter V debt limit will revert to noncontingent, liquidated secured and unsecured aggregate debts of less than \$3,024,725 [as adjusted effective April 1, 2022]. The Chapter 13 debt limits will revert to noncontingent, liquidated unsecured debts of less than \$465,275, and noncontingent, liquidated secured debts of less than \$1,395,875. These figures reflect the tri-annual routine debt limit adjustment made by the Judicial Conference in 2022. The next date for further adjustment is April 1, 2025.
- 3) It is expected that any case which is filed on or before the sunset provision will be able to take advantage of these temporarily heightened debt limits for cases if electing to proceed under Chapter 13 or Subchapter V of Chapter 11 before June 21, 2024.



# Faculty

**Michelle H. Bass** is a partner at Wolfson Bolton PLLC in Troy, Mich., where she manages its consumer bankruptcy practice group. She represents both debtors and creditors in consumer bankruptcy proceedings. Ms. Bass has represented individuals reorganizing under chapter 11, including subchapter V, and focuses on stopping foreclosures, stripping secured liens, and cramming down loans on collateral for individuals seeking to reorganize under chapters 13 and 11. She has successfully defended appeals in the Federal Eastern District for the State of Michigan and the Sixth Circuit Court of Appeals. Ms. Bass is a member of ABI, the Detroit Consumer Bankruptcy Association and the Oakland County Bar Association, and she is Board Certified in Consumer Bankruptcy Law. She has been named by *Michigan Lawyer's Weekly* as one of 2019's 30 Women in the Law, by *Crain's Detroit* as one of 2021's Notable Women in the Law, and by *The Best Lawyers in America* in 2023 for Bankruptcy and Creditor/Debtor Rights/Insolvency and Reorganization Law. Ms. Bass was recognized by *Super Lawyers* as a "Rising Star" in Consumer Bankruptcy from 2014-22, as a 2023 *Super Lawyer* in Consumer Bankruptcy, and by *Leading Lawyers* in 2023 for Individual Bankruptcy Law. She received her B.A. from the University of Michigan and her J.D. from the University of Detroit Mercy School of Law.

**Beverly M. Burden** has served as the chapter 13 trustee for the Eastern District of Kentucky in Lexington since 1999. She previously clerked for Hon. Joe Lee, and prior to that was an assistant attorney general for the Commonwealth of Kentucky in its Consumer Protection Division, concentrating on consumer fraud litigation. Ms. Burden has served on the faculty of the annual meeting of the National Conference of Bankruptcy Judges, the annual convention of the National Association of Chapter Thirteen Trustees (NACTT), the Judge Joe Lee Biennial Bankruptcy Institute, the UK Biennial Consumer Bankruptcy Law Conference, the Midwest Regional Bankruptcy Seminar, ABI's Southeast Bankruptcy Workshop, and other regional and local CLE programs. She writes a blog for practitioners in the Eastern District of Kentucky at [www.ch13edky.wordpress.com](http://www.ch13edky.wordpress.com) and is the chair of the Biennial University of Kentucky Consumer Bankruptcy Law Conference. Ms. Burden is a member of the National Association of Chapter Thirteen Trustees (NACTT) and serves on the board of directors of the NACTT Academy for Consumer Bankruptcy Education ([www.considerchapter13.org](http://www.considerchapter13.org)). She also served on the Chapter 13 Advisory Committee to the ABI Commission on Consumer Bankruptcy. Ms. Burden is a 2017 inductee as a Fellow in the American College of Bankruptcy. She received her J.D. from the University of Kentucky College of Law and holds a B.B.A. in accounting.